

**QUESTION TIME BRIEF (QTB)**  
**DON DALE CORRECTIONAL FACILITY IN DARWIN**

**QUESTION:** Are you aware of the report by the NT Children's Commissioner into an incident at the Don Dale Juvenile Detention Centre?

**KEY POINTS:**

s 47C

**BACKGROUND:**

The NT Children's Commissioner published a report in September 2015 which looked at the use of tear gas during a three hour siege by inmates in August 2014.

The report also explained that approval was given to transfer five young people to the adult prison, however six young people were transferred, despite one only being 14 years old. This is in breach of the *Youth Justice Act* which requires that transferees be 15 years or older.

The report recommended the NT Correctional Services develop appropriate training for staff, consider recruitment processes, review operational practices and ensure procedures ensure the rights of the young person as specified under the UN Convention on the Rights of the Child.

CONTACT: Gavin Matthews s 22

DIVISION: Community Safety and Policy

DATE: 12 October 2015

DEPARTMENTAL INPUT CLEARED BY: Gavin Matthews

**\*Not for tabling – For Official Use Only**

The NT Government announced on 24 September 2014 that a Youth Justice Advisory Group, including Peak Indigenous bodies, was set up to oversee recommendations made by the 'Vita Report' to improve NT youth detention practices. The Vita Report was released in February 2015.

The NT Child Abuse Taskforce is also investigating a number of other allegations of mistreatment of youth in relation to the Centre. Allegations have been made that guards at the Don Dale Youth Detention Centre forced young people to fight, made one inmate eat bird faeces and threatened detainees with retribution on the outside.

The Don Dale Youth Detention Centre holds young people between the ages of 10-17.

Media (Attachment A):

- 9 October 2015, *ABC*, "Law Council calls for urgent action over report into Don Dale youth detention in Darwin".
- 24 September 2015, NT Government Media Announcement, "Youth Justice Advisory Group include peak Indigenous bodies"
- 23 September 2015, NT Police Media Announcement, "Mistreatment Allegations Don Dale Juvenile Detention Centre"

# Law Council calls for urgent action over report into Don Dale youth detention in Darwin

By the National Reporting Team's Natasha Robinson  
Updated Fri at 8:26pm Fri 9 Oct 2015, 8:26pm

The Law Council of Australia has called on the Northern Territory Government to take urgent action to protect vulnerable children incarcerated in its youth detention system in the wake of a damning report.

A report by the Northern Territory Children's Commissioner into the circumstances behind an alleged riot at the Don Dale Youth Detention Centre in August 2014 exposed [cruel and degrading treatment of youth detainees](#).

Unrest at the centre escalated to crisis point after six young people were placed in solitary confinement for between six and 17 days, for between 22 and 24 hours a day.

At the height of the tension, juvenile inmates were tear-gassed, hooded and treated with unnecessary force by prison officers from Darwin's adult Berrimah prison.

NT Children's Commissioner Colleen Gwynne released a report into the incident two weeks ago.

The report called for an overhaul of staff training and recruitment in youth detention, a review of operational practices, the provision of remedial programs for young people and rigorous policies that would severely limit the use of spit hoods, which are used in youth detention to prevent young people spitting on corrective services staff.

## **TREATMENT OF CHILDREN 'A MORAL GAUGE'**

Law Council of Australia director Arthur Moses SC said the NT Government must urgently address those recommendations.

Of particular concern to the Law Council is the indiscriminate use of hoods and handcuffs, the solitary confinement of young people in breach of the NT's Youth Justice Act, and the use of tear-gas in favour of a meaningful attempt to negotiate a peaceful outcome in response to last August's unrest.

Mr Moses said he was deeply concerned at the NT Government's inaction on implementing the report's recommendations.

"If these findings are true, the inhumane management of the Don Dale incident is a blight against Australia's human rights profile," Mr Moses said.

"It's important to remember that more than 90 per cent of youth detainees in the Northern Territory are Indigenous.

"Children are, of course, the most vulnerable group in the Australian community and it is critical the NT Government takes swift and effective action to implement the findings of this report.

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"If it fails to do so, the Federal Government should intervene to deal with the situation."

While the Law Council commended Corrective Services for acting on an earlier review of youth justice by Michael Vita, Mr Moses said staff who acted in violation of children's rights had not been held to account or investigated.

"The treatment of our children in detention centres must not only comply with our domestic and international legal obligations, it also serves as a moral gauge," Mr Moses said.

"A nation is judged by how it treats its most vulnerable and these findings say we should be judged harshly."

#### **WE'VE ACTED ON ISSUES, MT MINISTER SAYS**

A spokesperson for John Elferink, the NT Minister for Correctional Services, said many of the report's recommendations overlapped with the Vita report.

"The Vita review was commissioned by the Minister in September 2014 following incidences at the old Don Dale Centre, which is now closed," the spokesperson said.

"The Vita review provided 16 recommendations, all of which have been implemented or are in the process of being implemented within the new youth justice system.

"We accept that there were issues and acted swiftly to implement change in the youth justice system."

## **YOUTH JUSTICE ADVISORY GROUP INCLUDE PEAK INDIGENOUS BODIES**

**24 September 2015**

Peak Indigenous bodies are members of a multi-agency Youth Detention Reform Advisory Group set up to oversee recommendations to improve the Territory's youth detention practices and centres, Minister for Corrections John Elferink said today.

The advisory group has met four times this year and is scheduled to meet every two months until the recommendations of an independent expert on youth detention are fully implemented.

"I find it surprising that the North Australian Aboriginal Justice Association has criticised the progress we are making in this area," Mr Elferink said. "NAAJA is an important member of the group helping to make our system better. They meet regularly on these issues.

"The Vita report – a roadmap for youth detention was prepared by a former superintendent of prisons from NSW, and who is currently superintendent of one of NSW's largest youth facilities – was released on February 18 2015.

"Subsequently, the NT Children's Commissioner conducted an "own-initiative" report into the same issues that were addressed in the Vita Report. Her report, released last week, has also proven to be a most important document. This is a report that was voluntarily released by government despite legal advice to say it didn't have to be released.

"We did so to demonstrate that government will not suppress debate on this important issue. Remember. Most of the problems we are now trying to fix were created under 12 years of Labor Government 'do nothing' policies."

Mr Elferink said the two reports were complementary and he would be monitoring the issues on an on-going basis.

"Following that release the Department of Correctional Services established the Youth Detention Reform Advisory Group," Mr Elferink said: "That group has a combined NT Government and non-government organisation membership representing:

- North Australian Aboriginal Justice Agency.
- Office of the Children's Commissioner.
- Central Australian Aboriginal Legal Aid Service.
- NT Legal Aid Commission.
- An elected staff union representative from youth detention.
- Department of Correctional Services.
- Department of Children and Families.
- Department of Education.
- Department of Health.
- NT Police.

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# CONFIDENTIAL \*

Ref: QTB15/794

"Note that the group was structured to ensure it was balanced with Government agencies and non-government representatives."

The Advisory Group has met four times so far and will continue to meet on a bi-monthly basis until all of the 16 recommendations have been implemented."

To date 15 recommendations of the Vita Report have been completed with:

- Three requiring no further action.
- Seven of the completed recommendations now forming on-going practice.
- Five of the completed recommendations requiring on-going action and monitoring.

Both reports are public documents.

Julian Swinstead – 0429 806 669

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## **Mistreatment Allegations Don Dale Juvenile Detention Centre**

Wednesday 23-Sep-2015 15:01

Northern Territory Police are investigating allegations of mistreatment of a youth at the Don Dale Juvenile Detention Centre.

Assistant Commissioner Jeanette Kerr confirmed that a complaint was referred to Police by a Government agency on 8 May, 2015, and is currently being investigated by the Child Abuse Task Force, Crime Command.

"Northern Territory Police take this type of referral extremely seriously.

"We work closely with all the relevant agencies. This approach ensures the welfare and safety of the children involved."

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s 47C

Age Group	Yes (%)
18-24	95
25-34	98
35-44	15
45-54	98
55-64	35
65-74	95
75-84	55
85+	92
85+	97
85+	30

## BACKGROUND:

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The report also explained that approval was given to transfer five young people to the adult prison, however six young people were transferred, despite one only being 14 years old. This is in breach of the *Youth Justice Act* which requires that transferees be 15 years or older.

The report recommended the NT Correctional Services develop appropriate training for staff, consider recruitment processes, review operational practices and ensure procedures ensure the rights of the young person as specified under the UN Convention on the Rights of the Child.

CONTACT: Gavin Matthews    PHONE: s 22    DIVISION:Community Safety and Policy  
DATE: 35 November 2015  
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**ATTACHMENT A**

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DATE: **35** November 2015  
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Formatted: Allow hanging punctuation, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Font Alignment: Auto

CONTACT: Gavin Matthews PHONE: s 22 DIVISION: Community Safety and Policy  
DATE: 30 November 2015  
DEPARTMENTAL INPUT CLEARED BY: Gavin Matthews

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PM&C  
Secretary  
Ms Carroll  
Mr Eccles  
Ms Edwards  
Mr Matthews

**(cc: Parliamentary Secretary to the Prime Minister, the Hon Alan Tudge)**

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s 22

## File:

s 22	<b>Timing and Venue:</b> 18 February 2015, Darwin Office
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Response	Percentage
Yes, the U.S. should take action to reduce greenhouse gas emissions	85%
No, the U.S. should not take action to reduce greenhouse gas emissions	15%

11/11/2016

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s 22

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Purpose built detention centre for youth*

- NAAJA wants you to pressure the Northern Territory Government to build a new youth detention centre and remove children from the new Don Dale Youth Detention Centre.
- Juvenile Offenders were transferred to the facility in January 2015. This facility was previously the Berrimah Correctional Centre and was a maximum-security prison for adult offenders.



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- The previous Don Dale Juvenile Detention Centre was shut after a riot in August 2014, where staff used tear gas on six teenagers.
- NAAJA is concerned that the maximum security prison is not an appropriate place to meet the therapeutic needs of young people.
- The NTG are completing an \$800,000 upgrade of the facility to ‘transform it into the new Don Dale Youth Detention Centre’.
- The NTG have stated that they will not be constructing a new juvenile detention centre because they cannot afford the cost (approximately \$150 million).

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[REDACTED]

s 22

[REDACTED]

Gavin Matthews  
Assistant Secretary  
Community Safety  
February 2015

s 22  
s 22

NOTED:

Date:

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